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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,347	04/12/2004	Malcolm Erik Pearson	13768.504	3119

22913 7590 09/05/2007
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EXAMINER

MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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09/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/822,347	Applicant(s) PEARSON ET AL.	
	Examiner Glenford Madamba	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 13 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, U.S. Patent Publication US 2002/0152399 A1.

As per Claims 1, 13 and 24, Smith discloses in a computer system with a message processor, a method of processing at least a portion of a message where an attempt to previously process the message failed, the method comprising the acts of:

accessing message processing state information identifying a message that previously failed to process (e.g., a 'Quarantined' Message or a message with 'Exploits' , 630 & 635) [Fig. 6];

removing a portion of the message to increase the likelihood of the message processor being able to appropriately process the message (e.g., removing the 'exploits' 635) [Fig. 6]; and

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attempting to reprocess the message subsequent to removing the portion of the message (e.g., forwarding 'original' message of 'cleaned' message towards recipient 640) [Fig. 6].

Claims 13 and 24 recite the same limitations as claim 1, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 3 and 15, Smith discloses the method of claim 2, wherein the identifier is a hash of the message (i.e., hash) [0067].

Claim 15 recites the same limitations as claim 3, is distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 4, 16 and 26, Smith discloses the method of claim 2, wherein the message is one of an e-mail message, SOAP message, messaging board post, web message, or instant message (e.g., email messages) [0003].

As per Claims 5, 17 and 27, Smith discloses the method of claim 1, wherein the attempt to reprocess the message fails, the method further comprising the acts of:

updating the message processing state information with information that indicates that the message failed to reprocess (e.g., "Quarantined" Message) (640) [Fig. 6];

accessing the message processing state information identifying the message (Quarantine Component 535) [Fig. 5];

removing a second portion of the message to increase the likelihood of the message processor being able to appropriately process the message (e.g., Exploit Remover 540) [Fig. 5] (635) [Fig. 6]; and

attempting to reprocess the message subsequent to removing the second portion of the message (e.g., Forwarding the "Cleaned" Message toward Recipient) (640) [Fig. 6].

As per Claims 6, 18 and 28, Smith discloses the method of claim 5, wherein the message processing state information also includes information about the portion of the message removed (e.g., virus) [0004] (e.g., "message too long") [0066].

As per Claims 7, 19 and 29, Smith discloses the method of claim 5, wherein the second portion of the message removed includes the portion of the message removed (e.g., header, body, attachment containing the 'exploit' or rule violation) [0066].

As per Claims 8, 20 and 30, Smith discloses the method of claim 1, wherein the portion of the message removed is based on de-featuring rules associated with the type of

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content within the portion of the message removed (e.g., message field 'standards' / rules, such as 'permissible' length of the field) [0066].

As per Claims 9, 21 and 31, Smith discloses the method of claim 8, wherein the type of content within the portion of the message removed is one or more of an alternative format of the message, video data, audio data, image data, text, header information, or executable instructions (e.g., pictures, sound files, executable programs, etc.) [0003].

As per Claims 10, 22 and 32, Smith discloses the method of claim 8, wherein the rules are defined by the transport protocol for the message, which is one of STMP, HTTP, TCP, UDP, or SOAP (i.e, HTTP) [0052].

As per Claims 11 and 23, Smith discloses the method of claim 8, wherein the rules are defined by content format MIME, and wherein the content of the portion of the message removed is one or more of a mixed multipart data, alternative multipart data, parallel multipart data, digest multipart data, application data, video data, audio data, image data, text, header information or the message itself (i.e., MIME) [0070].

As per Claim 12, Smith discloses the method of claim 1, wherein the message processing state information further includes state information that indicates the removal of a previous portion of the message (e.g, removal of a header, body, or attachment in violation of a message field 'standard, followed by virus 'exploit' removal) [0066] [0074-

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0078] [0084].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, U.S. Patent Publication US 2002/0152399 A1 in view of Callas et al (hereinafter Callas), U.S. Patent Publication US 2006/0015736 A1.

As per Claims 2, 14 and 25, Smith in view of Callas discloses the method of claim 1, further comprising the acts of:

receiving the message (610) [Fig. 6];

generating an identifier for the message;

attempting to process the message, wherein the message fails to process [Figs.

5-6] (e.g., firewall stopping message data from passing through the gateway) [0035];

generating message processing state information that indicates that the message failed to process (e.g., a 'Quarantined' Message or a message with 'Exploits' , 630 & 635) [Fig. 6]; and

storing the message processing state information (e.g., storing messages containing 'exploits' at Quarantine Component 535) [Fig. 5] [0073-0074].

While Smith discloses substantial features of the invention such as the method of claim 1 above, he does not explicitly disclose the additionally recited feature of the method further comprising generating an identifier for the message. The feature is disclosed by Callas in a related endeavor.

Callas discloses as his invention a method and system of processing of messages in an electronic network; in particular, in relation to efficient techniques for the partial authentication of messages exchanged in an electronic network [Abstract] [0042]. Specifically, Callas discloses the additionally recited feature of the method further comprising generating an identifier for the message (e.g., 'message-id') [0048]

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Smith's invention with the added feature of the method further comprising generating an identifier for the message, as disclosed by Callas, for the motivation of providing a method and system for inserting partial authentication content into a message which allows processing of the authentication content without processing the entire message [Abstract].

- Brown et al Patent Pub No.: US 2006/0036865 A1
- Kuznetsov et al Patent Pub No.: US 2006/0265689 A1

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151


VALENCIA MARTIN-WALLACE
PRIMARY EXAMINER

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